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12 AHERN RENTALS, INC.
13 AX TRANSPORTATION LLC

14 UNITED STATES DISTRICT COURT

15 DISTRICT OF NEVADA

16 KENNETH FANK, on behalf of himself
17 and all other similarly situated,

18 Plaintiff,

19 vs.

20 AHERN RENTALS, INC.; AX
21 TRANSPORTATION LLC; DOES 1-10;
22 and ROE CORPORATIONS 11-20,
23 inclusive,

24 Defendants.

25 Case No. 2:20-cv-00996-KJD-VCF

26 **STIPULATION AND ORDER TO (1)
DISMISS INCORRECT DEFENDANT
ENTITY WITHOUT PREJUDICE AND (2)
AMEND THE CASE CAPTION**

27 Defendants Ahern Rentals, Inc. (“Ahern”), and AX Transportation LLC (“AXT”), and Plaintiff
28 Kenneth Fank (“Plaintiff”), by and through their respective counsel of record, hereby stipulate as follows:

29 Plaintiff served AXT on May 14, 2020. Plaintiff was employed by AXT during the time period
30 of the events alleged in his Complaint, but erroneously named “Ahern Rentals, Inc.” as a Defendant.
31 Defendants’ responsive pleading is due to the Court on July 10, 2020. In the interest of judicial
32 economy, and to avoid the unnecessary time and cost of motion practice, the parties have agreed to
33 correct this mistake by dismissing without prejudice all Defendants except Defendant AXT, and
34 correcting the caption to only reflect this entity.

Defendant AXT stipulates, agrees, and states that it was Plaintiff's employer for the time period alleged in the Complaint. This stipulation is made solely for the purposes of identifying the correct Defendant-employer entity (Plaintiff's former employer), and nothing in this stipulation is to be construed as an admission of liability or of any allegations in the Complaint, nor as a responsive pleading to the Complaint.

Thus, the Parties have stipulated to the following:

1. That all currently named Defendants except Defendant AX Transportation LLC be dismissed from this action without prejudice; and
 2. That the caption be revised to reflect AX Transportation LLC as the sole remaining Defendant.

This request is to save the Parties the time and expense of motion practice to name the proper Defendant and to correct the caption. This request is made in good faith, is in the interest of judicial economy, and is not for the purpose of delay.

Dated: July 2, 2020

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GABROY LAW OFFICES

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/s/ Kelsey E. Stegall

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IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED:

2.